REMARKS

Claims 1, 11-23, 25-33 are pending in the present application. No additional claims fee is believed to be due.

Claim 24 is canceled without prejudice.

Claim 1 has been amended to change to more specifically characterize the bleaching system of the present invention. Support for this amendment is found at page 11, line 29 – page 12, line 2of the specification. It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested. Claims 15, 16, 17, 18, 19, 27, 28, and 31 have been amended to address issues raised in the Office Action of April 28, 2003.

The Office Action of April 28, 2003, indicates that Claim 19 should be amended from "wherein said a nonionic surfactant" to read "wherein said nonionic surfactant".

Applicants have amended Claim 19 as suggested.

The Office Action of April 28, 2003, indicates that Claim 28 should be amended from "MnTACN" to a non-abbreviated form for clarification purposes.

Applicants have amended claim 28 to remove "MnTACN".

Rejection Under 35 USC 112, Second Paragraph

The Office Action states Claims 15-18, 27-28, and 31 are rejected under 35 U.S.C. § 112, second paragraph as being indefinite. Claims 15, 16, 27, and 31 are indefinite for the use of the phrase "less than about". The Office Action suggests amended this phrase to read "less than".

Applicants have amended the indicated claims as suggested.

Claims 17 and 18 are indefinite for the use of the phrase "greater than about". The Office Action suggests amended this phrase to read "greater than".

Applicants have amended the indicated claims as suggested

Claim 28 is indefinite for being dependent upon Claim 27, discussed above.

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Applicants have addressed the issues raised for Claim 27 and thereby the issue raised by Claim 28.

Rejection Under 35 USC 102 Over WO 99/06466, Scheper et al.

Claims 1, 11-20, and 22-33 are rejected under 35 U.S.C. § 102(a) as being anticipated in view of Scheper et al. The Office Action specifically notes pages 39-44, Examples 8-16 of Scheper et al.

Scheper et al. discusses an ether-capped poly(oxyalkylated) alcohol surfactant having the formula:

$$R^1O[CH_2CH(R^3)O]_x[CH_2]_kCH(OH)[CH_2]_jOR^2$$

wherein R^1 and R^2 are linear or branched, saturated or unsaturated, aliphatic or aromatic hydrocarbon radicals having from about 1 to about 30 carbon atoms; R^3 is H, or a linear aliphatic hydrocarbon radical having from about 1 to about 4 carbon atoms; x is an integer having an average value from 1 to about 40, wherein when x is 2 or greater, R^3 may be the same or different and k and j are integers having an average value of from about 1 to about 12, and more preferably 1 to about 5, further wherein when x is 15 or greater and R^3 is H and methyl, at least four of R^3 are methyl, further wherein when x is 15 or greater and R^3 includes H and from 1 to 3 methyl groups, then at least one R^3 is ethyl, propyl or butyl, further wherein R^2 can optionally be alkoxylated, wherein said alkoxy is selected from ethoxy, propoxy, butyloxy and mixtures thereof.

The claimed invention of the present application does not comprise a moiety of $CH(OH)[CH_2]_j$ as required by Scheper et al. Therefore, Applicants submit that Scheper et al. does not teach each and every claim limitation of the claimed invention of the present application.

Rejection Under 35 USC 102 Over WO 98/11186, Chatterjee et al.

Claims 1 and 11-33 are rejected under 35 U.S.C. § 102(a) as being anticipated in view of Chatterjee et al. The Office Action specifically notes pages 38-43, Examples 1-13 of Chatterjee et al.

Chatterjee et al. discusses a nonionic surfactant having the formula:

$$R_1O[CH_2CH(CH_3)O]_x[CH_2CH_2O]_y[CH_2CH(OH)R_2] \quad (I)$$

wherein R_1 is a linear or branched, aliphatic hydrocarbon radical having from about 4 to about 18 carbon atoms including mixtures thereof; R_2 is a linear or branched aliphatic hydrocarbon radical

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having from about 2 to about 26 carbon atoms including mixtures thereof; x is an integer having an average value of from 0.5 to about 1.5; and y is an integer having a value of least about 15.

Applicants submit that the claimed invention of the present application does not comprise a terminal epoxide unit [$CH_2CH(OH)R_2$] as required by Chatterjee et al. Therefore, Applicants submit that Chatterjee et al. does not teach each and every claim limitation of the claimed invention of the present application.

Rejection Under 35 USC 102 Over WO 95/34633, Lentsch et al.

Claims 1, 11-19, 23, 24, and 31-33 are rejected under 35 U.S.C. § 102(b) as being anticipated in view of Lentsch et al. The Office Action specifically notes page 20, Formulation 2 of Lentsch et al.

Lentsch et al. discloses an automatic dishwashing detergent composing BASF LF 221 (i.e., a C13/15 alkyl-O-(EO)9/10-(BO)1/2 nonionic surfactant), BASF LF 500 (i.e., a secondary nonionic surfactant), sodium tripolyphosphate, sodium dichloroisocyanurate dihydrate, and adjunct ingredients.

Applicants submit the present invention, as amended, requires the use of a bleaching agent selected from the group consisting of hydrogen peroxide, a source of hydrogen peroxide, sodium perborate, sodium percarbonate, and mixtures thereof. Lentsch et al. does not teach the use of a bleaching agent selected from the group consisting of hydrogen peroxide, a source of hydrogen peroxide, sodium perborate, sodium percarbonate, and mixtures thereof. Therefore, Applicants submit that Lentsch et al. does not teach each and every claim limitation of the claimed invention of the present application.

Rejection Under 35 USC 102 Over US 5,967,157, Chatterjee et al ('157)

Claims 1, and 11-33 are rejected under 35 U.S.C. § 102(e) as being anticipated in view of '157. The Office Action specifically notes Columns 28-31, Examples 1-13 of '157.

a nonionic surfactant having the formula:

$$R_1O[CH_2CH(CH_3)O]_x[CH_2CH_2O]_y[CH_2CH(OH)R_2] \quad (I)$$

wherein R_1 is a linear or branched, aliphatic hydrocarbon radical having from about 4 to about 18 carbon atoms including mixtures thereof; R_2 is a linear or branched aliphatic hydrocarbon radical

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having from about 2 to about 26 carbon atoms including mixtures thereof; x is an integer having an average value of from 0.5 to about 1.5; and y is an integer having a value of least about 15.

Applicants submit that the claimed invention of the present application does not comprise a terminal epoxide unit [$CH_2CH(OH)R_2$] as required by Chatterjee et al. Therefore, Applicants submit that Chatterjee et al. does not teach each and every claim limitation of the claimed invention of the present application.

Rejection Under 35 USC 102 Over US 5,912,218, Chatterjee et al ('218)

Claims 1, and 11-33 are rejected under 35 U.S.C. § 102(e) as being anticipated in view of '218. The Office Action specifically notes Columns 28-30, Examples 1-11 of '218.

'218 discusses the use of a mixed surfactant system, wherein said mixed surfactant system comprises one or more low cloud point nonionic surfactants having a cloud point of less than 30° C and one or more charged surfactants selected from the group consisting of anionic surfactants, zwitterionic surfactants, and mixtures thereof, the ratio of low cloud point nonionic surfactant to charged surfactant being within the range of from about 20:1 to about 1:5 (preferably from about 10:1 to about 1:2, more preferably from about 2:1 to about 1:1).

Applicants submit that the claimed invention of the present invention, does not require the use of an charged surfactant (e.g., anionic or zwitterionic). Therefore, Applicants submit that '218 does not teach each and every claim limitation of the claimed invention of the present application.

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Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejection under 35 U.S.C. §§112, second paragraph, and 102. Early and favorable action in the case is respectfully requested.

Applicants have made an earnest effort to place their application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, Applicants respectfully request reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 1, 11-23 and 25-33.

Respectfully submitted,
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Customer No. 27752

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Appl. No. 09/913,870
Atty. Docket No. 7441
Amdt. dated July 28, 2003
Reply to Office Action of April 28, 2003
Customer No. 27752

ATTACHMENT

Abstract

Automatic dishwashing detergent compositions comprising a builder; a surfactant selected from: the formula $R^1(EO)_a(PO)_b(BO)_c$, wherein $R^1$is a linear or branched C_6 to C_{20} alkyl; a is from 2 to 30; b is from 0 to 30; c is from 1 to 30; and the surfactant has an X/Y number less than 1.90; the formula $R^1O[CH_2CH(R^3)O]_eR^2$, wherein $R^1$is a hydrocarbon radical having from 1 to 30 carbon atoms; R^2 is a hydrocarbon radical having 1 to 30 carbon atoms; R^3 is H, or a linear aliphatic hydrocarbon radical having from 1 to 4 carbon atoms; e is an integer having an average value from 1 to 40; a bleaching agent and d) adjunct materials.